

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

BRADLEY KEITH SLEIGHTER #46848,

Plaintiff,

vs.

Case No.: 1:12-CV-01008

District Judge: Gordon J. Quist

Magistrate Judge: Ellen S. Carmody

KENT COUNTY JAIL ADMINISTRATION,  
CORIZON MEDICAL SERVICES,

Defendants.

Bradley Keith Sleighter  
82 50<sup>th</sup> Street, SW, Apt 323  
Wyoming, MI 49548  
Pro Se Plaintiff

CHAPMAN LAW GROUP  
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Kimberley A. Koester (P48967)  
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**DEFENDANT CORIZON HEALTH, INC.'S MOTION TO TREAT DECEMBER 26, 2012  
SUBPOENA AS A REQUEST FOR PRODUCTION**

COMES NOW, Defendant CORIZON HEALTH, INC., formerly Prison Health Services, Inc., by and through its attorneys, CHAPMAN LAW GROUP, and file this, the Motion to Treat December 26, 2012 Subpoena as a Request for Production.

1. On December 20, 2012, Defendant Corizon Health, Inc., formerly Prison Health Services, Inc. appeared in this suit.

2. On December 26, 2012, Plaintiff Bradley Sleighter mailed a subpoena via regular U.S. Mail to the HSA Lake requesting Plaintiff's medical record and mental health records.
3. On December 31, 2012, this Court entered a CMO governing the scope of discovery.
4. The subpoena Plaintiff issued does not comply with Federal Rule of Civil Procedure 45. First, he did not serve defense counsel, although defense counsel appeared on December 20, 2012. Second, he, a party, served the subpoena via regular mail. Therefore, theoretically, the subpoena ought to be quashed.
5. However, considering the CMO allows Plaintiff to seek discovery of documents under Federal Rule of Civil Procedure 34, Defendant will treat the subpoena as a request for production of documents and will produce Plaintiff's medical chart as requested.
6. Defendant requests that Plaintiff be reminded that all documents, including subpoenas, must be served on Defense counsel.
7. Defendants have not communicated with Plaintiff concerning this motion because he is a pro se prisoner.

WHEREFORE, Defendant, CORIZON HEALTH, INC., requests that this subpoena be treated as a request for production and for purposes of the CMO.

Respectfully Submitted,  
CHAPMAN LAW GROUP

Dated: January 16, 2013

/s/Kimberley A. Koester  
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KENT COUNTY JAIL ADMINISTRATION,  
CORIZON MEDICAL SERVICES,

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**DEFENDANT CORIZON HEALTH, INC.'S BRIEF IN SUPPORT OF MOTION TO  
TREAT THE DECEMBER 26, 2012 SUBPOENA AS A REQUEST FOR PRODUCTION**

COMES NOW, Defendant, CORIZON HEALTH, INC., formerly Prison Health Services, Inc., by and through its attorneys, CHAPMAN LAW GROUP, and file this, the Brief in Support of the Motion to Treat the December 26, 2012 Subpoena as a Request for Production.

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## EXHIBIT LIST

**Exhibit 1** Plaintiff's December 26, 2012 Subpoena

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## STATEMENT OF ISSUES PRESENTED

### SHOULD DEFENDANT'S MOTION BE GRANTED?

DEFENDANT STATES: YES.

PLAINTIFF STATES: UNKNOWN.

### **FACTS**

On December 20, 2012, Defendant Corizon Health, Inc. appeared in this suit. On December 26, 2012, Plaintiff Bradley Sleighter mailed a subpoena via regular U.S. Mail to the HSA Lake requesting Plaintiff's medical record. (**Exhibit 1, Subpoena**). On December 31, 2012, this Court entered a CMO governing the scope of discovery.

### **AUTHORITY TO QUASH A SUBPOENA**

Federal Rule of Civil Procedure 45 governs the issuance and quashing of subpoenas. Any person who is at least eighteen years old and not a party may serve a subpoena. Fed. R. Civ. P. 45(b)(1). Where, as here, the plaintiff seeks documents, then before service, a notice must be provided all parties. *Id.* The recipient of a subpoena may move to quash that subpoena within fifteen days of service of the subpoena. Fed. R. Civ. P. 45(c)(2)(B). When objecting to the subpoena, the recipient must expressly make the claim and describe the nature of the documents or tangible items withheld. *Id.* (d)(2).

### **Argument 1: Plaintiff's Subpoena Should be Treated as a Request for Production**

The subpoena Plaintiff issued does not adhere to Federal Rule of Civil Procedure 45. First, he did not notify defense counsel, although defense counsel appeared on December 20, 2012. The HSA received the subpoena on January 4, 2013, via regular mail and she notified Corizon. Plaintiff is not allowed to issue subpoenas, as a party. Fed. R. Civ. P. 45. Therefore, theoretically, the subpoena ought to be quashed. However, considering the CMO allows Plaintiff to seek discovery of documents under Federal Rule of Civil Procedure 34, Defendant will treat the subpoena as a request for production of documents and will produce Plaintiff's medical chart as requested. Defendant requests that Plaintiff be reminded that all documents, including subpoenas, must be served on Defense counsel.

WHEREFORE, Defendant, CORIZON HEALTH, INC., requests that this subpoena be treated as a request for production and for purposes of the CMO.

Respectfully Submitted,  
CHAPMAN LAW GROUP

Dated: January 16, 2013

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**PROOF OF SERVICE**

I hereby certify that on January 16, 2013 I presented the foregoing paper to the Clerk of the Court for filing and uploading to the ECF system, which will send notification of such filing to the attorneys of record listed herein and I hereby certify that I have mailed by U.S. Postal Service the document to the involved non participants.

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